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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/817,254	03/27/2001	Naohito Takae	1614.1155	7682

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STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

LAMBRECHT, CHRISTOPHER M

ART UNIT	PAPER NUMBER
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2623

MAIL DATE	DELIVERY MODE
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05/07/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/817,254

Applicant(s)

TAKAE ET AL.

Examiner

Chris Lambrecht

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6,8,10,12 and 14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6,8,10,12 and 14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 5, 2007 has been entered.

Response to Arguments

2. Applicant's arguments filed February 5, 2007 have been fully considered but they are not persuasive. The amendments fail to patentably distinguish the claims over the prior art of record.

Applicant submits that the claims have been amended such that the claimed e-mail message now includes "the alteration information unknown to the user," and that the e-mail message of the Hirata reference does not include this information. Specifically, Applicant argues that the e-mail message shown in Hirata, figure 9 includes "only a notice of acceptance of the request and a message requesting confirmation." (Applicant's reply, page 6.) The examiner disagrees.

Figure 9 of Hirata shows an e-mail message including a notice of acceptance and a message requesting confirmation. However, the message further includes the details of the request itself, e.g., the date, time, channel, and speed of the temporary of recording reservation. As set forth in the rejection, this information corresponds to alteration information, which Hirata teaches may be unknown to the (authorized) user when submitted by a party other than the user.

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Thus, in these instances, the e-mail message of Hirata includes “the alteration information unknown to the user” as claimed.

Accordingly, the examiner maintains the rejections of claims 1-4, 6, 8, 10, 12, and 14 as set forth in the previous Office action.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 6, 8, 10, 12, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Susskind (of record) in of Hirata, U.S. Patent No. 6,925,567.

Regarding claims 1, 6, 8, 10, 12, and 14, Susskind discloses a control information management system (fig. 2), corresponding method, corresponding computer readable medium storing procedures comprising a program, and corresponding server that collectively manages control information (scheduled recording reservations, ¶¶ 35-36) for controlling a control object (recording hardware as disposed in recording device 20, ¶ 29), the control information management system comprising (as applied to aforementioned corresponding forms): a control information producing unit (Internet Remote Control Host Server 24) that produces the control information (scheduled recording settings) in compliance with an instruction from a user (¶¶ 12, 16); a control information alteration unit (24) that collects alteration information (changes to account settings) for altering the control information, and alters the control information (i.e.,

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scheduled recordings) in accordance with the alteration information (§§ 35-36); a control information transmission unit (24) that transmits the control information (§0038) via a network (Internet 22, described in reference to Internet 11 and analogous components, fig. 1, §0031); a control information reception unit (20) that receives the transmitted control information (§0038); a control unit (20) that selects a control object (i.e., recording hardware and associated components as disposed in recording device 20, §0029) corresponding to the received control information, and controls the selected control object in accordance with the received control information (§0049, as applied to analogous elements in fig. 2).

Susskind fails to disclose the alteration information is unknown to a user; sending a message via email to the mobile communication terminal, said message including a request for permission to alter the control information; and altering the control information in response to permission sent from the mobile communications terminal.

In an analogous art, Hirata discloses receiving alteration information unknown to the user (i.e., the authorized user); sending a message via email to a remote communication terminal of the user (col. 10, l. 60 - col. 11, l. 8), said message including the alteration information unknown to the user (temporary reservation information) and a request for permission to alter the control information (requesting confirmation of recording reservation, col. 11, ll. 2-8); and altering the control information in response to permission sent from the mobile communications terminal (setting recording reservation to fixed state, col. 11, ll. 16-26, col. 13, ll. 17-29, col. 14, ll. 37-45), thereby preventing unauthorized control of the recording device (col. 15, ll. 13-15).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Susskind such that when alteration information unknown to a user is

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received, an email requesting permission to alter the control information is sent to the user's mobile communication terminal and the control information is altered accordingly, in response to permission received from the mobile terminal, as taught by Hirata, in order to prevent unauthorized users from altering the authorized user's scheduled recordings.

As to claims 2 and 3, Susskind in view of Hirata discloses the method as described in claim 1, wherein altering the control information comprises: collecting alteration information (see above); requesting permission to alter the control information after notifying a user that the control information needs to be altered based on the collected alteration information (i.e., after notifying user of temporary recording reservation; Hirata, col. 11, ll. 2-8); and altering the control information upon receipt of the permission from the user (see above).

As to claim 4, Susskind in view of Hirata discloses the method as claimed in claim 1, but fails to disclose the step of notifying the user of an abnormal state of the control object, when no control information reception acknowledgement is sent from the control object after the transmission of the control information to the control object.

Official notice is taken of the fact that it is well known in the art to notify a user when a device to be controlled fails to respond to control information in an expected manner for the purpose of informing the user that a desired task may not be carried out due to technical problem and thus enabling the user to take appropriate action.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Susskind in view of Hirata to include notifying the user of an abnormal state of the control object, when no control information reception acknowledgement is sent from

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the control object after the transmission of the control information to the control object, for the benefit of providing a more user-friendly scheduled recording interface.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chris Lambrecht whose telephone number is (571) 272-7297.


The examiner can normally be reached on weekdays from 9:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached on weekdays at (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chris Lambrecht
Examiner
Art Unit 2623

CL


JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600